

Remarks

Applicant appreciates the Examiner's request and attempt to clarify the claimed invention, for example, with respect to the claimed means for modeling in claim 61. The following remarks are believed to clarify the issue and overcome the sole pending rejection.

The Office Action dated January 10, 2006, indicated that claims 63-87 are allowed; claims 1-4, 6, 8-9, 21-24, 26, 28-29, 41-44, 46, 48-49 and 61 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Thomson *et al.* (U.S. 6,498,820); claims 5, 25 and 45 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Thomson *et al.* and Koehn *et al.* (US 2003/0117995); claims 7, 27 and 47 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Thomson *et al.* and Wiese *et al.* (the Office Action does not identify which Wiese document is relied upon); claims 10-11, 30-31 and 50-51 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Thomson *et al.* and Reusens *et al.* (U.S. 2002/0054610); and claims 12, 32 and 52 are rejected under 35 U.S.C. § 103(a) over Applicant's Fig. 3 in view of Thomson *et al.* and Carrender (U.S. 2002/0149484).

Applicant appreciates the indication of allowance for claims 63-87 and has amended claims 69, 76, 77, 84 and 85 to read as complete sentences in accordance with the Examiner's suggestion. These changes do not affect the subject matter or the allowability of the claims. In an effort to facilitate prosecution, Applicant has canceled claims 1-12, 21-32, and 41-52, without prejudice so that they may be pursued in a related continuation patent document. The cancellation of these claims renders all of the above-detailed rejections moot except for the rejection of claim 61.

With respect to the subject of claim 61, Applicant respectfully traverses and submits that claim 61 does not correspond to the asserted prior art in terms of structure or function. In the Office Action, claim 61 is rejected for reasons set forth earlier in connection with the rejection of claim 1. Applicant submits, however, that claim 1 has different terms and, therefore, does not provide corresponding rationale upon which the Office Action can properly rely for claim 61. In terms of function, claim 61 requires creating a model of line, signal and interference characteristics of the communication lines based on signals actually carried by the communication lines. As acknowledged at

page 3 of the Office Action, the asserted prior art teaching of Figure 3 does not perform this function, and the Office Action does not explain how the skilled artisan would be led by the prior art to modify Figure 3 in order to perform this claimed function. Blocks 315-1 and 316-1 do not operate on multiple lines to create the claimed model, and the Examiner's conclusion at the bottom of page 3 neither explains how the skilled artisan would be led by the prior art to so modify the teaching of Figure 3 nor constitutes evidence that the skilled artisan would be led to so modify this teaching.

Pursuant to 35 U.S.C. §112(6) and the MPEP, the teaching of Fig. 3 is also distinguishable because the structure ("means") is different than the asserted prior art. For instance, as perhaps recognized by the Examiner in connection with the Response to Arguments section at page 9 of the Office Action, block 716 and block 715 of Applicant's Figure 7 provide an example of supporting structure. These blocks 715-716 operate to create the model as claimed, "based on signals actually carried" and using the illustrated inputs/feedback provided from the lines (vertical lines of Figure 7) actually carrying the signals. Thus, the instant Specification states in pertinent part, "In Figure 7 the line and signal characteristics can be acquired for all (or a subset of) lines and can be coordinated or otherwise considered in a joint manner" (Specification at p.17, lines 20-22). Accordingly, the disclosed structure (combined blocks 715 and 716) uses multiple lines as provided by the multiple inputs to block 716, whereas the asserted prior art has no such corresponding structure (or function as described above).

Without a presentation of correspondence to each of the claimed limitations, the prior art rejection of claim 61 cannot be maintained and Applicant respectfully requests that it be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been addressed and/or overcome and the application is in condition for allowance.

A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

Dated: April 10, 2006

By: 

Robert J. Crawford
Reg. No. 32,122